

# EXHIBIT “A”

Court of Common Pleas of Philadelphia County  
Trial Division  
**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)	
<b>OCTOBER 2022</b> <b>000353</b> E-Filing Number: 2210005824	
PLAINTIFF'S NAME GWENDOLYN DEMPS	DEFENDANT'S NAME WALMART SUPERCENTER
PLAINTIFF'S ADDRESS 1725 S. 32ND STREET PHILADELPHIA PA 19145	DEFENDANT'S ADDRESS 1675 S. COLUMBUS BOULEVARD PHILADELPHIA PA 19148
PLAINTIFF'S NAME	DEFENDANT'S NAME WALMART STORES, INC.
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS 702 S.W. 8TH STREET BENTONVILLE AR 72716
PLAINTIFF'S NAME	DEFENDANT'S NAME WALMART REAL ESTATE BUSINESS TRUST
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS 702 S.W. 8TH STREET BENTONVILLE AR 72716
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 4 COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____
CASE TYPE AND CODE 2S - PREMISES LIABILITY, SLIP/FALL	
STATUTORY BASIS FOR CAUSE OF ACTION	
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)	<b>FILED</b> <b>PRO PROTHY</b> <b>OCT 04 2022</b> <b>E. HAURIN</b>
IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>GWENDOLYN DEMPS</u> Papers may be served at the address set forth below.	
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY MICHAEL A. PILEGGI	ADDRESS 1650 MARKET STREET 52ND FLOOR PHILADELPHIA PA 19103
PHONE NUMBER (215) 496-8282	FAX NUMBER (215) 496-0999
SUPREME COURT IDENTIFICATION NO. 320569	E-MAIL ADDRESS mpileggi@smbb.com
SIGNATURE OF FILING ATTORNEY OR PARTY MICHAEL PILEGGI	DATE SUBMITTED Tuesday, October 04, 2022, 05:12 pm

**COMPLETE LIST OF DEFENDANTS:**

1. WALMART SUPERCENTER  
1675 S. COLUMBUS BOULEVARD  
PHILADELPHIA PA 19148
2. WALMART STORES, INC.  
702 S.W. 8TH STREET  
BENTONVILLE AR 72716
3. WALMART REAL ESTATE BUSINESS TRUST  
702 S.W. 8TH STREET  
BENTONVILLE AR 72716
4. JOHN DOE (1-2)  
N/A  
N/A PA N/A

THIS IS NOT AN ARBITRATION MATTER.  
 ASSESSMENT OF DAMAGES HEARING IS  
 REQUIRED.

Filed and Assessed by the  
 Office of Judicial Records

04 OCT 2022 05:22 pm



**SALTZ MONGELUZZI & BENDESKY P.C.**

BY: ROBERT N. BRAKER/MICHAEL A. PILEGGI

IDENTIFICATION NOS. 62583/320569

1650 MARKET STREET

52ND FLOOR

PHILADELPHIA, PENNSYLVANIA 19103

P: (215) 496-8282 / F: (215) 496-0999

ATTORNEYS FOR PLAINTIFF

<p><b>GWENDOLYN DEMPS</b>          1725 S. 32<sup>nd</sup> Street          Philadelphia, PA 19145  <i>Plaintiff,</i></p> <p>v.</p> <p><b>WALMART SUPERCENTER</b>          1675 S. Columbus Boulevard          Philadelphia, PA 19148</p> <p>AND</p> <p><b>WALMART STORES, INC.</b>          702 S.W. 8<sup>th</sup> Street          Bentonville, AR 72716</p> <p>AND</p> <p><b>WALMART REAL ESTATE BUSINESS TRUST</b>          702 S.W. 8<sup>th</sup> Street          Bentonville, AR 72716</p> <p>AND</p> <p><b>JOHN DOE (1-2)</b>  <i>Defendants.</i></p>	<p><b>PHILADELPHIA COUNTY          COURT OF COMMON PLEAS          CIVIL DIVISION</b></p> <p><b>OCTOBER TERM, 2022</b></p> <p><b>NO.:</b></p> <p><b>JURY TRIAL DEMANDED</b></p>
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**NOTICE TO PLEAD**

NOTICE	AVISO
<p>You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.</p>	<p>Le han demandado en corte. Si usted quiere defenderse contra las demandas nombradas en las páginas siguientes, tiene veinte (20) días, a partir de recibir esta demanda y la notificación para entablar personalmente o por un abogado una comparecencia escrita y también para entablar con la corte en forma escrita sus defensas y objeciones a las demandas contra usted. Sea avisado que si usted no se defiende, el caso puede continuar sin usted y la corte puede incorporar un juicio contra usted sin previo aviso para conseguir el dinero demandado en el pleito o para conseguir cualquier otra demanda o alivio solicitados por el demandante. Usted puede perder dinero o propiedad u otros derechos importantes para usted.</p>
<p>"YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.</p>	<p>USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE ABOGADO (O NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO), VAYA EN PERSONA O LLAME POR TELEFONO LA OFICINA NOMBRADA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL. <u>ESTA OFICINA PUEDE PROPORCIONARLE LA INFORMACION SOBRE CONTRATAR A UN ABOGADO.</u></p>
<p><u>THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.</u> <u>IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.</u></p>	<p><u>SI USTED NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO, ESTA OFICINA PUEDE PROPORCIONARLE INFORMACION SOBRE AGENCIAS QUE OFRECEN SERVICIOS LEGALES A PERSONAS QUE CUMPLEN LOS REQUISITOS PARA UN HONORARIO REDUCIDO O NINGUN HONORARIO.</u></p>
<p>PHILADELPHIA BAR ASSOCIATION LAWYER REFERRAL and INFORMATION SERVICE One Reading Center Philadelphia, Pennsylvania 19107 (215) 238-1701</p>	<p>ASOCIACION DE LICENCIADOS DE FILADELFA SERVICO DE REFERENCIA E INFORMACION LEGAL One Reading Center Filadelfia, Pennsylvania 19107 Telefono: (215) 238-1701</p>

**COMPLAINT**

Plaintiff, Gwendolyn Demps, claims of Defendants, Walmart Supercenter, Walmart Stores, Inc., Walmart Real Estate Business Trust, and John Doe (1-2), jointly and severally, separate sums in excess of \$50,000.00 in damages wherein the following are true statements:

1. Plaintiff, Gwendolyn Demps, is an adult individual, citizen of Pennsylvania, who resides at 1725 S. 32<sup>nd</sup> Street, Philadelphia, PA 19145.
2. Defendant, Walmart Supercenter, is a business entity, organized and existing under the laws of the Commonwealth of Pennsylvania, and which at all times relevant hereto, engaged in regular, systematic, continuous and substantial business within Philadelphia County, with its principal place of business located at 1675 S. Columbus Boulevard, Philadelphia, PA 19148.
3. Defendant, Walmart Stores, Inc., is a business entity organized and existing under the laws of the State of Arkansas, and which at all times relevant hereto, engaged in regular,

systematic, continuous and substantial business within Philadelphia County with its principal place of business located at 702 S.W. 8<sup>th</sup> Street, Bentonville, AR 72716.

4. Defendant, Walmart Real Estate Business Trust is a business entity organized and existing under the laws of the State of Arkansas, and which at all times relevant hereto, engaged in regular, systematic, continuous and substantial business within Philadelphia County with its principal place of business located at 702 S.W. 8<sup>th</sup> Street, Bentonville, AR 72716.

5. Defendant, John Doe (1-2), is an unknown individual, manager, company, controller, franchise, franchisor/franchisee, and/or owner of the property known as Walmart Supercenter, located at 1675 S. Columbus Boulevard, Philadelphia, PA 19148, hereinafter referred to as the "the premises" at the times referenced herein, who Plaintiff could not identify despite a reasonable search.

6. At all times mentioned herein and material hereto, Defendants, Walmart Supercenter, Walmart Stores, Inc., Walmart Real Estate Business Trust, and John Doe (1-2), owned, managed, maintained, operated and controlled the property, including the interior of the premises, located at 1675 S. Columbus Boulevard, Philadelphia, PA 19148.

7. On August 27, 2021, Defendants, Walmart Supercenter, Walmart Stores, Inc., Walmart Real Estate Business Trust, and John Doe (1-2), by and through their employees and/or agents were responsible for the proper maintenance and/or removal of any and all hazardous conditions located on and within the aforesaid premises.

8. Upon information and belief, at the aforesaid time and place, Defendants' employees and/or agents, acting within the course of their employment and scope of their authority, caused there to be and/or allowed there to remain, for a substantial period of time, a pool

of liquid on the floor of the premises of the aisle, in which Plaintiff was walking, and the aforesaid floor was left in a dangerously wet and slippery condition.

9. At the aforesaid time and place, Plaintiff, Gwendolyn Demps, was lawfully and properly a business invitee to the premises, and while walking on the aforesaid floor, was caused to slip and fall on the slick and slippery liquid condition and to suffer those serious and permanent injuries more specifically set forth hereinafter.

**COUNT I  
NEGLIGENCE  
GWENDOLYN DEMPS v. ALL DEFENDANTS**

10. Plaintiff incorporates by reference all the preceding paragraphs as if fully set forth herein.

11. Defendants, Walmart Supercenter, Walmart Stores Inc., Walmart Real Estate Business Trust, and John Doe (1-2), by and through their separate and respective agents, employees, servants and/or workers, acting within the course of their employment and scope of their authority, were careless and negligent in:

- a. Leaving the floor in a dangerously wet and slippery condition;
- b. Creating a dangerously wet and slippery condition on the floor;
- c. Failing to cordon off the wet area of the floor;
- d. Failing to maintain the floor of the premises in a proper and safe condition;
- e. Allowing the floor to remain in a slippery condition for an extended period of time;
- f. Failing to warn individuals, including Plaintiff, of the dangerous and slippery nature of the floor;



- g. Failing to safely cordon off and/or use appropriately sized non-skid mats or other devices to make safe the area where a dangerous, slippery condition had accumulated;
- h. Allowing a danger to exist which Defendants knew or should have known would cause injuries to others, including Plaintiff;
- i. Failing to utilize appropriate warning signs/devices to alert individuals, including Plaintiff, of the dangerous condition that existed on said premises;
- j. Failing to take proper action to clean up the dangerous, slippery condition that existed on said premises prior to Plaintiff's fall despite their knowledge of the condition;
- k. Failing to maintain the aforementioned premises reasonably safe for persons such as Plaintiff;
- l. Failing to utilize a floor with non-slip properties;
- m. Failing to have proper policies and procedures in place pertaining to cleanup/removal of liquid on the premises which would have prevented harm to business invitees, including Plaintiff; and
- n. Failing to adequately monitor and supervise its employees and/or agents to ensure that their floors were safe for customers, including Plaintiff;
- o. Failing to adequately staff its store with a proper number of employees trained to detect and remedy hazardous/dangerous conditions on its premises; and
- p. Failing to adequately train its employees and/or agents to identify and remedy hazardous/dangerous conditions on its premises.

12. By reason of the carelessness and negligence of Defendants, Walmart Supercenter, Walmart Stores, Inc., Walmart Real Estate Business Trust, and John Doe (1-2), as aforesaid, by and through their separate and respective agents, employees, servants and/or workers, Plaintiff, Gwendolyn Demps, was caused to sustain serious, disabling and permanent personal injuries; she has sustained an acute comminuted fracture of the distal radius; she has sustained dorsal angulation and displacement; she sustained swelling about the wrist; she has suffered severe pain



in her wrist; she has been required to undergo extensive physical therapy; he has sustained further injury to the bones, muscles, nerves and ligaments of her body, the full extent of which have yet to be determined; she sustained other injuries to her nerves and nervous system; she sustained other orthopedic, neurologic and psychological injuries, the full extent of which has yet to be determined; she has in the past been required and may in the future continue to be required to submit to x-rays, EMGs, MRIs, and other diagnostic studies; she has in the past suffered and may in the future continue to suffer agonizing aches, pains, and mental anguish; she has in the past and may in the future continue to endure pain and suffering; she has in the past and may in the future continue to be disabled from performing her usual duties, occupations and avocations, all to her great loss and detriment; she has suffered a significant loss of life's pleasures; she has suffered from severe embarrassment and humiliation; she has incurred and will likely continue to incur medical bills indefinitely into the future.


13. By the reason of the carelessness and negligence of Defendants, Walmart Supercenter and Walmart Stores Inc., Walmart Real Estate Business Trust, and John Doe (1-2), as aforesaid, Plaintiff, Gwendolyn Demps, has incurred various expenses, including medical expenses and bills, Plaintiff may be obligated to continue to expend monies and incur further obligations for her medical care and treatment, for an indefinite period of time in the future.

14. Plaintiff, Gwendolyn Demps, has sustained and makes claim for pain and suffering, loss of physical function, physical, mental and psychological injuries, humiliation and embarrassment, loss of life's pleasures, loss of past earnings and future earning capacity and any and all other damages to which she is entitled or may be entitled under the laws of the Commonwealth of Pennsylvania.

WHEREFORE, Plaintiff, Gwendolyn Demps, claims of Defendants, Walmart Supercenter and Walmart Stores Inc., Walmart Real Estate Business Trust and John Doe (1-2), jointly and severally, separate sums in excess of \$50,000.00 in damages and brings this action to recover same.

**SALTZ MONGELUZZI & BENDESKY P.C.**

By:

  
\_\_\_\_\_  
ROBERT N. BRAUER, ESQUIRE  
MICHAEL A. PILEGGI, ESQUIRE  
Attorneys for Plaintiff

**VERIFICATION**

I, Gwendolyn Demps, have read the contents of the Complaint. I verify that the contents are true and correct to the best of my knowledge, information and belief. I understand that this verification is made pursuant to 42 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 9/26/2022      Ms. Gwendolyn Demps  
GWENDOLYN DEMPS



# EXHIBIT “B”

**AFFIDAVIT OF SERVICE**

Filed and Attested by the  
Office of Judicial Records  
10 OCT 2022 03:38 pm  
G. IMPERATO Pleas Court

Commonwealth of Pennsylvania

County of Philadelphia

Case Number: OCTOBER 2022 0353

Plaintiff:  
**GWENDOLYN DEMPS**

vs.

Defendant:  
**WALMART SUPERCENTER et al**

For:  
SALTZ MONGELUZZI & BENDESKY  
One Liberty - 52nd Floor  
1650 Market St  
Philadelphia, PA 19103

Received by COURT HOUSE LEGAL SERVICES, INC. to be served on **WALMART SUPERCENTER, 1675 S. COLUMBUS BLVD, PHILADELPHIA, PA 19148.**

I, Daniel Guida, being duly sworn, depose and say that on the **6th day of October, 2022** at **12:10 pm**, I:

**AUTHORIZED:** served by delivering a true copy of the **COMPLAINT** to **DALYA BARNES** as **MANAGER/AUTHORIZED AGENT**, who stated they are authorized to accept service for: **WALMART SUPERCENTER** at the address of: **1675 S. COLUMBUS BLVD, PHILADELPHIA, PA 19148**, and informed said person of the contents therein, in compliance with state statutes.


**Description of Person Served:** Age: 35, Sex: F, Race/Skin Color: BLACK, Height: 5'8, Weight: 190, Hair: BLACK, Glasses: N

I am over the age of 18 and have no interest in the above action.

Subscribed and Sworn to before me on the 7th day of  
October, 2022 by the affiant who is personally known to  
me.

NOTARY PUBLIC

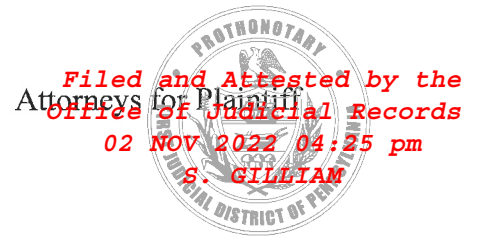
Commonwealth of Pennsylvania - Notary Seal  
Christopher J. Mullen, Notary Public  
Philadelphia County  
My commission expires May 27, 2023  
Commission number 1227476

  
Daniel Guida  
Process Server

**COURT HOUSE LEGAL SERVICES, INC.**  
112 Haddontowne Ct, Ste. 304  
Cherry Hill, NJ 08034  
(856) 428-4700

Our Job Serial Number: CHL-2022009315  
Ref: DEMPS

**SALTZ MONGELUZZI & BENDESKY P.C.**  
ROBERT N. BRAKER, ESQUIRE #62583  
MICHAEL A. PILEGGI, ESQUIRE #320569  
1650 MARKET STREET, 52ND FLOOR  
PHILADELPHIA, PA 19103  
P: (215) 496-8282 / F: (215) 496-0999



**GWENDOLYN DEMPS**

**v.**

**WALMART SUPERCENTER,  
WALMART STORES, INC.,  
WALMART REAL ESTATE BUSINESS  
TRUST and  
JOHN DOE (1-2)**

**COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY  
LAW DIVISION**

**OCTOBER TERM, 2022  
NO. 00353**

**AFFIDAVIT OF SERVICE**

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF PHILADELPHIA:

MICHAEL A. PILEGGI, ESQUIRE, being duly sworn according to law, deposes and states that he is the attorney representing the plaintiff in the above captioned matter; that he is authorized to take this Affidavit; and that on October 5, 2022, the plaintiff's counsel did forward to Defendant, Walmart Real Estate Business Trust, a time-stamped copy of Plaintiff's Complaint by regular mail and certified mail, return receipt requested. A copy of the said correspondence and return receipt indicating date of delivery to be October 10, 2022, are attached hereto and made a part hereof.

The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsifications to authorities.



**SALTZ MONGELUZZI & BENDESKY P.C.**

BY: /s/ Michael A. Pileggi  
MICHAEL A. PILEGGI, ESQUIRE  
Attorney for Plaintiff

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$  
 Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$  
 Postage \$  
 Total Postage and Fees \$

Sent To  
**Walmart Real Estate Business Trust**  
 Street and Apt. No., or P.O. Box No.  
**702 S.W. 8th STREET**  
 City, State, ZIP+4®  
**BENTONVILLE, AR 72716**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 2280 0000 1270 2898

Postmark Here

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**WALMART REAL ESTATE BUSINESS TRUST**  
**702 S.W. 8th STREET**  
**BENTONVILLE, AR 72716**

2. Article Number (Transfer from service label)  
**7019 2280 0000 1270 2898**

9590 9402 6743 1060 2514 85

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
**X** *Heidi Rodriguez* ☐ Agent ☐ Addressee

B. Received by (Printed Name)  
*Heidi Rodriguez*

C. Date of Delivery  
**OCT 10 2022**

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type  
☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☒ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery  
☐ Priority Mail Express®  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt



DELAWARE COUNTY OFFICE  
20 WEST THIRD STREET  
P.O. BOX 1670  
MEDIA, PA 19063  
VOICE 610.627.9777  
FAX 610.627.9787

ONE LIBERTY PLACE, 52ND FLOOR  
1650 MARKET STREET  
PHILADELPHIA, PA 19103  
VOICE 215.496.8282  
FAX 215.496.0999

NEW JERSEY OFFICE  
8000 SAGEMORE DRIVE  
SUITE 8303  
MARLTON, NJ 08053  
VOICE 856.751.8383  
FAX 856.751.0868

ROBERT N. BRAKER  
DIRECT DIAL (215) 575-2985  
[RBRAKER@SMBB.COM](mailto:RBRAKER@SMBB.COM)

MICHAEL A. PILEGGI  
DIRECT DIAL (215) 575-3880  
[MPILEGGI@SMBB.COM](mailto:MPILEGGI@SMBB.COM)

MONTGOMERY COUNTY OFFICE  
120 GIBRALTAR RD  
SUITE 218  
HORSHAM, PA 19044  
VOICE 215.496.8282  
FAX 215.754.4443

October 5, 2022

**VIA CERTIFIED & REGULAR MAIL**  
**RETURN RECEIPT REQUESTED**  
**#7019 2280 0000 1270 2898**

Walmart Real Estate Business Trust  
702 S.W. 8<sup>th</sup> Street  
Bentonville, AR 72716

***Re: Gwendolyn Demps v. Walmart Supercenter, et al.***

Dear Sir or Madam:

We are hereby serving you with a Civil Action Complaint filed against you in the Court of Common Pleas of Philadelphia County.

Very truly yours,

SALTZ MONGELUZZI & BENDESKY P.C.

BY: /s/ Michael A. Pileggi  
ROBERT N. BRAKER, ESQUIRE  
MICHAEL A. PILEGGI, ESQUIRE

RNB/MAP/kg  
Enclosure



Court of Common Pleas of Philadelphia County  
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

**OCTOBER 2022****000353**

E-Filing Number: 2210005824

PLAINTIFF'S NAME GWENDOLYN DEMPS		DEFENDANT'S NAME WALMART SUPERCENTER	
PLAINTIFF'S ADDRESS 1725 S. 32ND STREET PHILADELPHIA PA 19145		DEFENDANT'S ADDRESS 1675 S. COLUMBUS BOULEVARD PHILADELPHIA PA 19148	
PLAINTIFF'S NAME		DEFENDANT'S NAME WALMART STORES, INC.	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 702 S.W. 8TH STREET BENTONVILLE AR 72716	
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PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 702 S.W. 8TH STREET BENTONVILLE AR 72716	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 4	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
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CASE TYPE AND CODE 2S - PREMISES LIABILITY, SLIP/FALL			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES    NO	
FILED PROTHONOTARY OCT 04 2022 E. HAURIN			
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>GWENDOLYN DEMPS</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY MICHAEL A. PILEGGI		ADDRESS 1650 MARKET STREET 52ND FLOOR PHILADELPHIA PA 19103	
PHONE NUMBER (215) 496-8282	FAX NUMBER (215) 496-0999		
SUPREME COURT IDENTIFICATION NO. 320569		E-MAIL ADDRESS mpileggi@smbb.com	
SIGNATURE OF FILING ATTORNEY OR PARTY MICHAEL PILEGGI		DATE SUBMITTED Tuesday, October 04, 2022, 05:12 pm	

Case ID: 221000353

**COMPLETE LIST OF DEFENDANTS:**

1. WALMART SUPERCENTER  
1675 S. COLUMBUS BOULEVARD  
PHILADELPHIA PA 19148
2. WALMART STORES, INC.  
702 S.W. 8TH STREET  
BENTONVILLE AR 72716
3. WALMART REAL ESTATE BUSINESS TRUST  
702 S.W. 8TH STREET  
BENTONVILLE AR 72716
4. JOHN DOE (1-2)  
N/A  
N/A PA N/A

THIS IS NOT AN ARBITRATION MATTER.  
ASSESSMENT OF DAMAGES HEARING IS  
REQUIRED.



**SALTZ MONGELUZZI & BENDESKY P.C.**  
BY: ROBERT N. BRAKER/MICHAEL A. PILEGGI  
IDENTIFICATION NOS. 62583/320569  
1650 MARKET STREET  
52ND FLOOR  
PHILADELPHIA, PENNSYLVANIA 19103  
P: (215) 496-8282 / F: (215) 496-0999

ATTORNEYS FOR PLAINTIFF

**GWENDOLYN DEMPS**  
1725 S. 32<sup>nd</sup> Street  
Philadelphia, PA 19145

*Plaintiff,*

v.

**WALMART SUPERCENTER**  
1675 S. Columbus Boulevard  
Philadelphia, PA 19148

AND

**WALMART STORES, INC.**  
702 S.W. 8<sup>th</sup> Street  
Bentonville, AR 72716

AND

**WALMART REAL ESTATE BUSINESS TRUST**  
702 S.W. 8<sup>th</sup> Street  
Bentonville, AR 72716

AND

**JOHN DOE (1-2)**

*Defendants.*

**PHILADELPHIA COUNTY  
COURT OF COMMON PLEAS  
CIVIL DIVISION**

**OCTOBER TERM, 2022**

**NO.:**

**JURY TRIAL DEMANDED**

**NOTICE TO PLEAD**

NOTICE	AVISO
<p>You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.</p> <p><b>"YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP."</b></p> <p><u>THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.</u></p> <p>PHILADELPHIA BAR ASSOCIATION LAWYER REFERRAL and INFORMATION SERVICE One Reading Center Philadelphia, Pennsylvania 19107 (215) 238-1701</p>	<p>Le han demandado en corte. Si usted quiere defenderse contra las demandas nombradas en las páginas siguientes, tiene veinte (20) días, a partir de recibir esta demanda y la notificación para entablar personalmente o por un abogado una comparecencia escrita y también para entablar con la corte en forma escrita sus defensas y objeciones a las demandas contra usted. Sea avisado que si usted no se defiende, el caso puede continuar sin usted y la corte puede incorporar un juicio contra usted sin previo aviso para conseguir el dinero demandado en el pleito o para conseguir cualquier otra demanda o alivio solicitados por el demandante. Usted puede perder dinero o propiedad u otros derechos importantes para usted.</p> <p><b>USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE ABOGADO (O NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO), VAYA EN PERSONA O LLAME POR TELEFONO LA OFICINA NOMBRADA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL. <u>ESTA OFICINA PUEDE PROPORCIONARLE LA INFORMACION SOBRE CONTRATAR A UN ABOGADO.</u></b></p> <p><u>SI USTED NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO, ESTA OFICINA PUEDE PROPORCIONARLE INFORMACION SOBRE AGENCIAS QUE OFRECEN SERVICIOS LEGALES A PERSONAS QUE CUMPLEN LOS REQUISITOS PARA UN HONORARIO REDUCIDO O NINGUN HONORARIO.</u></p> <p>ASOCIACION DE LICENCIADOS DE FILADELFA SERVICO DE REFERENCIA E INFORMACION LEGAL One Reading Center Filadelfia, Pennsylvania 19107 Telefono: (215) 238-1701</p>

**COMPLAINT**

Plaintiff, Gwendolyn Demps, claims of Defendants, Walmart Supercenter, Walmart Stores, Inc., Walmart Real Estate Business Trust, and John Doe (1-2), jointly and severally, separate sums in excess of \$50,000.00 in damages wherein the following are true statements:

1. Plaintiff, Gwendolyn Demps, is an adult individual, citizen of Pennsylvania, who resides at 1725 S. 32<sup>nd</sup> Street, Philadelphia, PA 19145.
2. Defendant, Walmart Supercenter, is a business entity, organized and existing under the laws of the Commonwealth of Pennsylvania, and which at all times relevant hereto, engaged in regular, systematic, continuous and substantial business within Philadelphia County, with its principal place of business located at 1675 S. Columbus Boulevard, Philadelphia, PA 19148.
3. Defendant, Walmart Stores, Inc., is a business entity organized and existing under the laws of the State of Arkansas, and which at all times relevant hereto, engaged in regular,

systematic, continuous and substantial business within Philadelphia County with its principal place of business located at 702 S.W. 8<sup>th</sup> Street, Bentonville, AR 72716.

4. Defendant, Walmart Real Estate Business Trust is a business entity organized and existing under the laws of the State of Arkansas, and which at all times relevant hereto, engaged in regular, systematic, continuous and substantial business within Philadelphia County with its principal place of business located at 702 S.W. 8<sup>th</sup> Street, Bentonville, AR 72716.

5. Defendant, John Doe (1-2), is an unknown individual, manager, company, controller, franchise, franchisor/franchisee, and/or owner of the property known as Walmart Supercenter, located at 1675 S. Columbus Boulevard, Philadelphia, PA 19148, hereinafter referred to as the “the premises” at the times referenced herein, who Plaintiff could not identify despite a reasonable search.

6. At all times mentioned herein and material hereto, Defendants, Walmart Supercenter, Walmart Stores, Inc., Walmart Real Estate Business Trust, and John Doe (1-2), owned, managed, maintained, operated and controlled the property, including the interior of the premises, located at 1675 S. Columbus Boulevard, Philadelphia, PA 19148.

7. On August 27, 2021, Defendants, Walmart Supercenter, Walmart Stores, Inc., Walmart Real Estate Business Trust, and John Doe (1-2), by and through their employees and/or agents were responsible for the proper maintenance and/or removal of any and all hazardous conditions located on and within the aforesaid premises.

8. Upon information and belief, at the aforesaid time and place, Defendants’ employees and/or agents, acting within the course of their employment and scope of their authority, caused there to be and/or allowed there to remain, for a substantial period of time, a pool



of liquid on the floor of the premises of the aisle, in which Plaintiff was walking, and the aforesaid floor was left in a dangerously wet and slippery condition.

9. At the aforesaid time and place, Plaintiff, Gwendolyn Demps, was lawfully and properly a business invitee to the premises, and while walking on the aforesaid floor, was caused to slip and fall on the slick and slippery liquid condition and to suffer those serious and permanent injuries more specifically set forth hereinafter.

**COUNT I**  
**NEGLIGENCE**  
**GWENDOLYN DEMPS v. ALL DEFENDANTS**

10. Plaintiff incorporates by reference all the preceding paragraphs as if fully set forth herein.

11. Defendants, Walmart Supercenter, Walmart Stores Inc., Walmart Real Estate Business Trust, and John Doe (1-2), by and through their separate and respective agents, employees, servants and/or workers, acting within the course of their employment and scope of their authority, were careless and negligent in:

- a. Leaving the floor in a dangerously wet and slippery condition;
- b. Creating a dangerously wet and slippery condition on the floor;
- c. Failing to cordon off the wet area of the floor;
- d. Failing to maintain the floor of the premises in a proper and safe condition;
- e. Allowing the floor to remain in a slippery condition for an extended period of time;
- f. Failing to warn individuals, including Plaintiff, of the dangerous and slippery nature of the floor;

- g. Failing to safely cordon off and/or use appropriately sized non-skid mats or other devices to make safe the area where a dangerous, slippery condition had accumulated;
- h. Allowing a danger to exist which Defendants knew or should have known would cause injuries to others, including Plaintiff;
- i. Failing to utilize appropriate warning signs/devices to alert individuals, including Plaintiff, of the dangerous condition that existed on said premises;
- j. Failing to take proper action to clean up the dangerous, slippery condition that existed on said premises prior to Plaintiff's fall despite their knowledge of the condition;
- k. Failing to maintain the aforementioned premises reasonably safe for persons such as Plaintiff;
- l. Failing to utilize a floor with non-slip properties;
- m. Failing to have proper policies and procedures in place pertaining to cleanup/removal of liquid on the premises which would have prevented harm to business invitees, including Plaintiff; and
- n. Failing to adequately monitor and supervise its employees and/or agents to ensure that their floors were safe for customers, including Plaintiff;
- o. Failing to adequately staff its store with a proper number of employees trained to detect and remedy hazardous/dangerous conditions on its premises; and
- p. Failing to adequately train its employees and/or agents to identify and remedy hazardous/dangerous conditions on its premises.

12. By reason of the carelessness and negligence of Defendants, Walmart Supercenter, Walmart Stores, Inc., Walmart Real Estate Business Trust, and John Doe (1-2), as aforesaid, by and through their separate and respective agents, employees, servants and/or workers, Plaintiff, Gwendolyn Demps, was caused to sustain serious, disabling and permanent personal injuries; she has sustained an acute comminuted fracture of the distal radius; she has sustained dorsal angulation and displacement; she sustained swelling about the wrist; she has suffered severe pain

in her wrist; she has been required to undergo extensive physical therapy; he has sustained further injury to the bones, muscles, nerves and ligaments of her body, the full extent of which have yet to be determined; she sustained other injuries to her nerves and nervous system; she sustained other orthopedic, neurologic and psychological injuries, the full extent of which has yet to be determined; she has in the past been required and may in the future continue to be required to submit to x-rays, EMGs, MRIs, and other diagnostic studies; she has in the past suffered and may in the future continue to suffer agonizing aches, pains, and mental anguish; she has in the past and may in the future continue to endure pain and suffering; she has in the past and may in the future continue to be disabled from performing her usual duties, occupations and avocations, all to her great loss and detriment; she has suffered a significant loss of life's pleasures; she has suffered from severe embarrassment and humiliation; she has incurred and will likely continue to incur medical bills indefinitely into the future.

13. By the reason of the carelessness and negligence of Defendants, Walmart Supercenter and Walmart Stores Inc., Walmart Real Estate Business Trust, and John Doe (1-2), as aforesaid, Plaintiff, Gwendolyn Demps, has incurred various expenses, including medical expenses and bills, Plaintiff may be obligated to continue to expend monies and incur further obligations for her medical care and treatment, for an indefinite period of time in the future.

14. Plaintiff, Gwendolyn Demps, has sustained and makes claim for pain and suffering, loss of physical function, physical, mental and psychological injuries, humiliation and embarrassment, loss of life's pleasures, loss of past earnings and future earning capacity and any and all other damages to which she is entitled or may be entitled under the laws of the Commonwealth of Pennsylvania.

WHEREFORE, Plaintiff, Gwendolyn Demps, claims of Defendants, Walmart Supercenter and Walmart Stores Inc., Walmart Real Estate Business Trust and John Doe (1-2), jointly and severally, separate sums in excess of \$50,000.00 in damages and brings this action to recover same.

**SALTZ MONGELUZZI & BENDESKY P.C.**

By:

  
\_\_\_\_\_  
ROBERT N. BRAKER, ESQUIRE  
MICHAEL A. PILEGGI, ESQUIRE  
Attorneys for Plaintiff

**VERIFICATION**

I, Gwendolyn Demps, have read the contents of the Complaint. I verify that the contents are true and correct to the best of my knowledge, information and belief. I understand that this verification is made pursuant to 42 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date:

9/26/2022

  
GWENDOLYN DEMPS



**SALTZ MONGELUZZI & BENDESKY P.C.**  
ROBERT N. BRAKER, ESQUIRE #62583  
MICHAEL A. PILEGGI, ESQUIRE #320569  
1650 MARKET STREET, 52ND FLOOR  
PHILADELPHIA, PA 19103  
P: (215) 496-8282 / F: (215) 496-0999



**GWENDOLYN DEMPS**

**v.**

**WALMART SUPERCENTER,  
WALMART STORES, INC.,  
WALMART REAL ESTATE BUSINESS  
TRUST and  
JOHN DOE (1-2)**

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY  
LAW DIVISION

OCTOBER TERM, 2022  
NO. 00353

**AFFIDAVIT OF SERVICE**

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF PHILADELPHIA:

MICHAEL A. PILEGGI, ESQUIRE, being duly sworn according to law, deposes and states that he is the attorney representing the plaintiff in the above captioned matter; that he is authorized to take this Affidavit; and that on October 5, 2022, the plaintiff's counsel did forward to Defendant, Walmart Stores, Inc., a time-stamped copy of Plaintiff's Complaint by regular mail and certified mail, return receipt requested. A copy of the said correspondence and return receipt indicating date of delivery to be October 10, 2022, are attached hereto and made a part hereof.

The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsifications to authorities.

**SALTZ MONGELUZZI & BENDESKY P.C.**

BY: /s/ Michael A. Pileggi  
MICHAEL A. PILEGGI, ESQUIRE  
Attorney for Plaintiff

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	

Sent To  
**Walmart Stores, Inc.**  
Street and Apt. No., or PO Box No.  
**702 S.W. 8th St.**  
City, State, ZIP+4®  
**Bentonville, AR 72716**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> <p>1. Article Addressed to:</p> <p><b>WALMART STORES, INC.</b> <b>702 S.W. 8th STREET</b> <b>BENTONVILLE, AR 72716</b></p> <p> 9590 9402 6743 1060 2514 92</p> <p>2. Article Number (Transfer from service label) <b>7019 2280 0000 1270 2881</b></p>	<p>A. Signature <b>X</b> <i>Hilda Rodriguez</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Hilda Rodriguez</i> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p><b>OCT 10 2022</b></p> <p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®												
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™												
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<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™												
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery												
<input type="checkbox"/> Collect on Delivery Restricted Delivery													

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt



DELAWARE COUNTY OFFICE  
20 WEST THIRD STREET  
P.O. Box 1670  
MEDIA, PA 19063  
VOICE 610.627.9777  
FAX 610.627.9787

ONE LIBERTY PLACE, 52ND FLOOR  
1650 MARKET STREET  
PHILADELPHIA, PA 19103  
VOICE 215.496.8282  
FAX 215.496.0999

NEW JERSEY OFFICE  
8000 SAGEMORE DRIVE  
SUITE 8303  
MARLTON, NJ 08053  
VOICE 856.751.8383  
FAX 856.751.0868

ROBERT N. BRAKER  
DIRECT DIAL (215) 575-2985  
[RBRAKER@SMBB.COM](mailto:RBRAKER@SMBB.COM)

MICHAEL A. PILEGGI  
DIRECT DIAL (215) 575-3880  
[MPILEGGI@SMBB.COM](mailto:MPILEGGI@SMBB.COM)

MONTGOMERY COUNTY OFFICE  
120 GIBRALTAR RD  
SUITE 218  
HORSHAM, PA 19044  
VOICE 215.496.8282  
FAX 215.754.4443

October 5, 2022

**VIA CERTIFIED & REGULAR MAIL**  
**RETURN RECEIPT REQUESTED**  
**#7019 2280 0000 1270 2881**

Walmart Stores, Inc.  
702 S.W. 8<sup>th</sup> Street  
Bentonville, AR 72716

***Re: Gwendolyn Demps v. Walmart Supercenter, et al.***

Dear Sir or Madam:

We are hereby serving you with a Civil Action Complaint filed against you in the Court of Common Pleas of Philadelphia County.

Very truly yours,

SALTZ MONGELUZZI & BENDESKY P.C.

BY: /s/ Michael A. Pileggi  
ROBERT N. BRAKER, ESQUIRE  
MICHAEL A. PILEGGI, ESQUIRE

RNB/MAP/kg  
Enclosure

Court of Common Pleas of Philadelphia County  
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

**OCTOBER 2022****000353**

E-Filing Number: 2210005824

PLAINTIFF'S NAME GWENDOLYN DEMPS		DEFENDANT'S NAME WALMART SUPERCENTER	
PLAINTIFF'S ADDRESS 1725 S. 32ND STREET PHILADELPHIA PA 19145		DEFENDANT'S ADDRESS 1675 S. COLUMBUS BOULEVARD PHILADELPHIA PA 19148	
PLAINTIFF'S NAME		DEFENDANT'S NAME WALMART STORES, INC.	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 702 S.W. 8TH STREET BENTONVILLE AR 72716	
PLAINTIFF'S NAME		DEFENDANT'S NAME WALMART REAL ESTATE BUSINESS TRUST	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 702 S.W. 8TH STREET BENTONVILLE AR 72716	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 4	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____		
CASE TYPE AND CODE 2S - PREMISES LIABILITY, SLIP/FALL			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		<div style="text-align: center;"> <b>FILED</b>  <b>PRO PROTHY</b>  <b>OCT 04 2022</b>  <b>E. HAURIN</b> </div>	
		IS CASE SUBJECT TO COORDINATION ORDER? YES    NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>GWENDOLYN DEMPS</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY MICHAEL A. PILEGGI		ADDRESS 1650 MARKET STREET 52ND FLOOR PHILADELPHIA PA 19103	
PHONE NUMBER (215) 496-8282	FAX NUMBER (215) 496-0999		
SUPREME COURT IDENTIFICATION NO. 320569		E-MAIL ADDRESS mpileggi@smbb.com	
SIGNATURE OF FILING ATTORNEY OR PARTY MICHAEL PILEGGI		DATE SUBMITTED Tuesday, October 04, 2022, 05:12 pm	

Case ID: 221000353

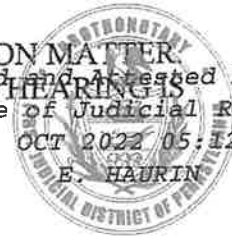


**COMPLETE LIST OF DEFENDANTS:**

1. WALMART SUPERCENTER  
1675 S. COLUMBUS BOULEVARD  
PHILADELPHIA PA 19148
2. WALMART STORES, INC.  
702 S.W. 8TH STREET  
BENTONVILLE AR 72716
3. WALMART REAL ESTATE BUSINESS TRUST  
702 S.W. 8TH STREET  
BENTONVILLE AR 72716
4. JOHN DOE (1-2)  
N/A  
N/A PA N/A

THIS IS NOT AN ARBITRATION MATTER.  
 ASSESSMENT OF DAMAGES HEARING IS  
 REQUIRED.

Filed and Attested by the  
 Office of Judicial Records  
 04 OCT 2022 05:12 pm



**SALTZ MONGELUZZI & BENDESKY P.C.**  
 BY: ROBERT N. BRAKER/MICHAEL A. PILEGGI  
 IDENTIFICATION NOS. 62583/320569  
 1650 MARKET STREET  
 52ND FLOOR  
 PHILADELPHIA, PENNSYLVANIA 19103  
 P: (215) 496-8282 / F: (215) 496-0999

ATTORNEYS FOR PLAINTIFF

**GWENDOLYN DEMPS**

1725 S. 32<sup>nd</sup> Street  
 Philadelphia, PA 19145

*Plaintiff,*

v.

**WALMART SUPERCENTER**

1675 S. Columbus Boulevard  
 Philadelphia, PA 19148

AND

**WALMART STORES, INC.**

702 S.W. 8<sup>th</sup> Street  
 Bentonville, AR 72716

AND

**WALMART REAL ESTATE BUSINESS  
 TRUST**

702 S.W. 8<sup>th</sup> Street  
 Bentonville, AR 72716

AND

**JOHN DOE (1-2)**

*Defendants.*

**PHILADELPHIA COUNTY  
 COURT OF COMMON PLEAS  
 CIVIL DIVISION**

**OCTOBER TERM, 2022**

**NO.:**

**JURY TRIAL DEMANDED**

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**"YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP."**

**THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

PHILADELPHIA BAR ASSOCIATION  
LAWYER REFERRAL and INFORMATION SERVICE  
One Reading Center  
Philadelphia, Pennsylvania 19107  
(215) 238-1701

**AVISO**

Le han demandado en corte. Si usted quiere defenderse contra las demandas nombradas en las páginas siguientes, tiene veinte (20) días, a partir de recibir esta demanda y la notificación para entablar personalmente o por un abogado una comparecencia escrita y también para entablar con la corte en forma escrita sus defensas y objeciones a las demandas contra usted. Sea avisado que si usted no se defiende, el caso puede continuar sin usted y la corte puede incorporar un juicio contra usted sin previo aviso para conseguir el dinero demandado en el pleito o para conseguir cualquier otra demanda o alivio solicitados por el demandante. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

**USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE ABOGADO (O NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO), VAYA EN PERSONA O LLAME POR TELEFONO LA OFICINA NOMBRADA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL. ESTA OFICINA PUEDE PROPORCIONARLE LA INFORMACION SOBRE CONTRATAR A UN ABOGADO.**

**SI USTED NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO, ESTA OFICINA PUEDE PROPORCIONARLE INFORMACION SOBRE AGENCIAS QUE OFRECEN SERVICIOS LEGALES A PERSONAS QUE CUMPLEN LOS REQUISITOS PARA UN HONORARIO REDUCIDO O NINGUN HONORARIO.**

ASOCIACION DE LICENCIADOS DE FILADELFA  
SERVICO DE REFERENCIA E INFORMACION LEGAL  
One Reading Center  
Filadelfia, Pennsylvania 19107  
Telefono: (215) 238-1701

**COMPLAINT**

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2. Defendant, Walmart Supercenter, is a business entity, organized and existing under the laws of the Commonwealth of Pennsylvania, and which at all times relevant hereto, engaged in regular, systematic, continuous and substantial business within Philadelphia County, with its principal place of business located at 1675 S. Columbus Boulevard, Philadelphia, PA 19148.
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5. Defendant, John Doe (1-2), is an unknown individual, manager, company, controller, franchise, franchisor/franchisee, and/or owner of the property known as Walmart Supercenter, located at 1675 S. Columbus Boulevard, Philadelphia, PA 19148, hereinafter referred to as the “the premises” at the times referenced herein, who Plaintiff could not identify despite a reasonable search.

6. At all times mentioned herein and material hereto, Defendants, Walmart Supercenter, Walmart Stores, Inc., Walmart Real Estate Business Trust, and John Doe (1-2), owned, managed, maintained, operated and controlled the property, including the interior of the premises, located at 1675 S. Columbus Boulevard, Philadelphia, PA 19148.

7. On August 27, 2021, Defendants, Walmart Supercenter, Walmart Stores, Inc., Walmart Real Estate Business Trust, and John Doe (1-2), by and through their employees and/or agents were responsible for the proper maintenance and/or removal of any and all hazardous conditions located on and within the aforesaid premises.

8. Upon information and belief, at the aforesaid time and place, Defendants’ employees and/or agents, acting within the course of their employment and scope of their authority, caused there to be and/or allowed there to remain, for a substantial period of time, a pool

of liquid on the floor of the premises of the aisle, in which Plaintiff was walking, and the aforesaid floor was left in a dangerously wet and slippery condition.

9. At the aforesaid time and place, Plaintiff, Gwendolyn Demps, was lawfully and properly a business invitee to the premises, and while walking on the aforesaid floor, was caused to slip and fall on the slick and slippery liquid condition and to suffer those serious and permanent injuries more specifically set forth hereinafter.

**COUNT I**  
**NEGLIGENCE**  
**GWENDOLYN DEMPS v. ALL DEFENDANTS**

10. Plaintiff incorporates by reference all the preceding paragraphs as if fully set forth herein.

11. Defendants, Walmart Supercenter, Walmart Stores Inc., Walmart Real Estate Business Trust, and John Doe (1-2), by and through their separate and respective agents, employees, servants and/or workers, acting within the course of their employment and scope of their authority, were careless and negligent in:

- a. Leaving the floor in a dangerously wet and slippery condition;
- b. Creating a dangerously wet and slippery condition on the floor;
- c. Failing to cordon off the wet area of the floor;
- d. Failing to maintain the floor of the premises in a proper and safe condition;
- e. Allowing the floor to remain in a slippery condition for an extended period of time;
- f. Failing to warn individuals, including Plaintiff, of the dangerous and slippery nature of the floor;



- g. Failing to safely cordon off and/or use appropriately sized non-skid mats or other devices to make safe the area where a dangerous, slippery condition had accumulated;
- h. Allowing a danger to exist which Defendants knew or should have known would cause injuries to others, including Plaintiff;
- i. Failing to utilize appropriate warning signs/devices to alert individuals, including Plaintiff, of the dangerous condition that existed on said premises;
- j. Failing to take proper action to clean up the dangerous, slippery condition that existed on said premises prior to Plaintiff's fall despite their knowledge of the condition;
- k. Failing to maintain the aforementioned premises reasonably safe for persons such as Plaintiff;
- l. Failing to utilize a floor with non-slip properties;
- m. Failing to have proper policies and procedures in place pertaining to cleanup/removal of liquid on the premises which would have prevented harm to business invitees, including Plaintiff; and
- n. Failing to adequately monitor and supervise its employees and/or agents to ensure that their floors were safe for customers, including Plaintiff;
- o. Failing to adequately staff its store with a proper number of employees trained to detect and remedy hazardous/dangerous conditions on its premises; and
- p. Failing to adequately train its employees and/or agents to identify and remedy hazardous/dangerous conditions on its premises.

12. By reason of the carelessness and negligence of Defendants, Walmart Supercenter, Walmart Stores, Inc., Walmart Real Estate Business Trust, and John Doe (1-2), as aforesaid, by and through their separate and respective agents, employees, servants and/or workers, Plaintiff, Gwendolyn Demps, was caused to sustain serious, disabling and permanent personal injuries; she has sustained an acute comminuted fracture of the distal radius; she has sustained dorsal angulation and displacement; she sustained swelling about the wrist; she has suffered severe pain

in her wrist; she has been required to undergo extensive physical therapy; he has sustained further injury to the bones, muscles, nerves and ligaments of her body, the full extent of which have yet to be determined; she sustained other injuries to her nerves and nervous system; she sustained other orthopedic, neurologic and psychological injuries, the full extent of which has yet to be determined; she has in the past been required and may in the future continue to be required to submit to x-rays, EMGs, MRIs, and other diagnostic studies; she has in the past suffered and may in the future continue to suffer agonizing aches, pains, and mental anguish; she has in the past and may in the future continue to endure pain and suffering; she has in the past and may in the future continue to be disabled from performing her usual duties, occupations and avocations, all to her great loss and detriment; she has suffered a significant loss of life's pleasures; she has suffered from severe embarrassment and humiliation; she has incurred and will likely continue to incur medical bills indefinitely into the future.


13. By the reason of the carelessness and negligence of Defendants, Walmart Supercenter and Walmart Stores Inc., Walmart Real Estate Business Trust, and John Doe (1-2), as aforesaid, Plaintiff, Gwendolyn Demps, has incurred various expenses, including medical expenses and bills, Plaintiff may be obligated to continue to expend monies and incur further obligations for her medical care and treatment, for an indefinite period of time in the future.

14. Plaintiff, Gwendolyn Demps, has sustained and makes claim for pain and suffering, loss of physical function, physical, mental and psychological injuries, humiliation and embarrassment, loss of life's pleasures, loss of past earnings and future earning capacity and any and all other damages to which she is entitled or may be entitled under the laws of the Commonwealth of Pennsylvania.

WHEREFORE, Plaintiff, Gwendolyn Demps, claims of Defendants, Walmart Supercenter and Walmart Stores Inc., Walmart Real Estate Business Trust and John Doe (1-2), jointly and severally, separate sums in excess of \$50,000.00 in damages and brings this action to recover same.

**SALTZ MONGELUZZI & BENDESKY P.C.**

By:

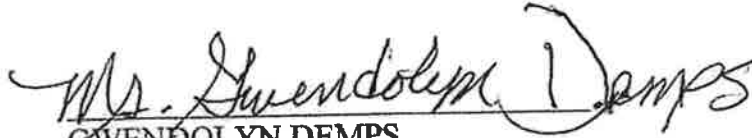
  
\_\_\_\_\_  
ROBERT N. BRAKER, ESQUIRE  
MICHAEL A. PILEGGI, ESQUIRE  
Attorneys for Plaintiff

**VERIFICATION**

I, Gwendolyn Demps, have read the contents of the Complaint. I verify that the contents are true and correct to the best of my knowledge, information and belief. I understand that this verification is made pursuant to 42 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date:

9/26/2022

  
GWENDOLYN DEMPS

# EXHIBIT “C”



282.389

**MCDONNELL & ASSOCIATES, P.C.**

By: Patrick J. McDonnell, Esq.

Attorney I.D. No. 62310

Email: pmcdonnell@mcdca-law.com

By: Gwyneth R. Schrager, Esq.

Attorney I.D. No. 319219

Email: gwilliams@mcdca-law.com

500 Marlton Pike West

Cherry Hill, NJ 08002

(T) 856-429-5300 (F) 856-310-7900



Filed and Attested by the  
Office of Judicial Records

**To Plaintiff:** You are hereby notified to plead  
to the enclosed New Matter **S. GILLIAM** (20)  
days of service hereof or judgment may be  
entered against you.

/s/ Gwyneth R. Schrager

Gwyneth R. Schrager, Esquire

Attorney for Defendants

GWENDOLYN DEMPS,  
Plaintiff,

v.

WALMART SUPERCENTER AND  
WALMART STORES, INC. AND WALMART  
REAL ESTATE BUSINESS TRUST and JOHN  
DOE (1-2),  
Defendants.

:  
: COURT OF COMMON PLEAS  
: PHILADELPHIA COUNTY  
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:  
: OCTOBER TERM, 2022  
: NO. 00353  
:  
: JURY TRIAL DEMANDED  
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**DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT WITH NEW MATTER**

Defendants, Walmart Supercenter, Walmart Stores, Inc., and Wal-Mart Real Estate Business Trust (hereinafter referred to collectively as "Walmart"), by and through their undersigned counsel, McDonnell & Associates, P.C., hereby answer Plaintiff's Complaint, generally deny the allegations of Plaintiff's Complaint pursuant to Pa. R.C.P. 1029(e), and assert their New Matter in accordance with the Pennsylvania Rules of Civil Procedure as follows:

1. Denied. These averments make no allegations against Walmart.
2. Denied. "Walmart Supercenter" is not a legally recognized entity.
3. Admitted in part and denied in part. It is admitted only that Walmart Inc. (formerly known as Wal-Mart Stores, Inc.) has its principal place of business at the address averred. The remaining averments are denied. By way of further answer, Walmart Inc. is a Delaware corporation.

4. Denied. Wal-Mart Real Estate Business Trust is a Delaware statutory trust with its principal place of business located in Bentonville, Arkansas.

5. Walmart need not answer these averments as they are directed toward other parties.

6. Admitted in part and denied in part. It is admitted only that Wal-Mart Real Estate Business Trust owned the subject premises at all material times. The remaining averments are denied. By way of further answer, Wal-Mart Stores East, LP leased and operated the subject premises at all material times. Wal-Mart Stores East, LP is a Delaware limited partnership with its principal place of business located in Bentonville, Arkansas.

7. Denied. After reasonable investigation, Walmart is unable to answer averments regarding unnamed employees and/or agents; these allegations are therefore denied. The remaining averments are generally denied pursuant to Rule 1029(e).

8. Denied. After reasonable investigation, Walmart is unable to answer averments regarding unnamed employees and/or agents; these allegations are therefore denied. The remaining averments are generally denied pursuant to Rule 1029(e).

9. Admitted in part and denied in part. It is admitted only that Plaintiff was present at Walmart Store #2141, located at 1675 S. Columbus Boulevard, Philadelphia, PA 19148, on the date averred. The remaining averments are generally denied pursuant to Rule 1029(e).

**COUNT I**  
**NEGLIGENCE**  
**GWENDOLYN DEMPS v. ALL DEFENDANTS**

10. Walmart hereby incorporates by reference the preceding paragraphs as though set forth at length herein.

11. (a) - (p). Denied. After reasonable investigation, Walmart is unable to answer averments regarding unnamed agents, employees, servants and/or workers; these allegations are

therefore denied. The remaining averments contained within Paragraph 11 and its subparts are generally denied pursuant to Rule 1029(e).

12. Denied. After reasonable investigation, Walmart is unable to answer averments regarding unnamed agents, employees, servants and/or workers; these allegations are therefore denied. The remaining averments are generally denied pursuant to Rule 1029(e).

13. Denied. These averments are generally denied pursuant to Rule 1029(e).

14. Denied. These averments are generally denied pursuant to Rule 1029(e).

**WHEREFORE**, Defendants, Walmart Supercenter, Walmart Stores, Inc., and Wal-Mart Real Estate Business Trust, hereby demand judgment in their favor and against Plaintiff, together with costs and attorneys' fees in this matter.

**NEW MATTER**

15. If Plaintiff failed to follow the advice and direction of her health care providers regarding recommended treatment, then Plaintiff's recovery is barred or reduced by her failure to mitigate damages.

16. If Plaintiff sustained damages, such damages were caused by the negligence of a third party or parties over which Walmart exercised no control.

17. If Plaintiff sustained damages, such damages were caused by intervening or superseding events or factors over which Walmart exercised no control.

18. If Plaintiff executed a Release releasing any person or entity from liability arising from the accident or occurrence described in Plaintiff's Complaint, Walmart is similarly released from any such liability.

19. If Plaintiff seeks compensatory damages for expenses related to medical tests, medications, and treatment, such damages are reduced by the holding in Moorhead v. Crozer Chester Medical Center, 557 Pa. 630 (1998) to the amounts actually due and payable.

**WHEREFORE**, Defendants, Walmart Supercenter, Walmart Stores, Inc., and Wal-Mart Real Estate Business Trust, hereby demand judgment in their favor and against Plaintiff, together with costs and attorneys' fees in this matter.

**McDONNELL & ASSOCIATES, P.C.**

Dated: October 26, 2022

By: /s/ Gwyneth R. Schrager  
Patrick J. McDonnell, Esquire  
Attorney I.D. No. 62310  
Email: pmcdonnell@mcdca-law.com  
Gwyneth R. Schrager, Esquire  
Attorney I.D. No. 319219  
Email: gwilliams@mcdca-law.com  
500 Route 70 West  
Cherry Hill, NJ 08002  
(T) 856.429.5300 (F) 856.310.7900  
*Attorneys for Defendants*

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GWENDOLYN DEMPS,  
Plaintiff,

v.

WALMART SUPERCENTER AND  
WALMART STORES, INC. AND WALMART  
REAL ESTATE BUSINESS TRUST and JOHN  
DOE (1-2),  
Defendants.

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: COURT OF COMMON PLEAS  
: PHILADELPHIA COUNTY  
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: OCTOBER TERM, 2022  
: NO. 00353  
:  
: JURY TRIAL DEMANDED  
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**VERIFICATION**

I, Gwyneth R. Schrager, Esquire, hereby verify and state that I am counsel for Defendants in the above-referenced action and that the facts set forth in Defendants' Answer to Plaintiff's Complaint with New Matter are true and correct to the best of my knowledge, information and belief. A manager verification was unavailable at the time of filing, but a substitute verification is forthcoming. I understand that I make this verification subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Dated: October 26, 2022

By:

/s/ Gwyneth R. Schrager  
Gwyneth R. Schrager, Esquire  
Attorneys for Defendants

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GWENDOLYN DEMPS,  
Plaintiff,

v.

WALMART SUPERCENTER AND  
WALMART STORES, INC. AND WALMART  
REAL ESTATE BUSINESS TRUST and JOHN  
DOE (1-2),  
Defendants.

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: NO. 00353  
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: JURY TRIAL DEMANDED  
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**CERTIFICATE OF SERVICE**

I, Gwyneth R. Schrager, Esquire hereby certify that on October 26, 2022, Defendants' Answer to Plaintiff's Complaint with New Matter was filed electronically with the Court and is available for viewing and downloading from the First Judicial District Electronic Filing System. The filed document was served via electronic mail by the First Judicial District Electronic Filing System on the following registered E-Filing User:

Robert N. Braker, Esq.  
Michael A. Pileggi, Esq.  
Saltz Mongeluzzi & Bendesky, P.C.  
1650 Market Street, 52nd Floor  
Philadelphia, PA 19103  
*Attorneys for Plaintiff*

**McDONNELL & ASSOCIATES, P.C.**

Dated: October 26, 2022

By: /s/ Gwyneth R. Schrager  
Gwyneth R. Schrager, Esquire  
*Attorneys for Defendants*



282.389

**MCDONNELL & ASSOCIATES, P.C.**

By: Patrick J. McDonnell, Esq.

Attorney I.D. No. 62310

Email: pmcdonnell@mcda-law.com

By: Gwyneth R. Schrager, Esq.

Attorney I.D. No. 319219

Email: gwilliams@mcda-law.com

500 Marlton Pike West

Cherry Hill, NJ 08002

(T) 856-429-5300 (F) 856-310-7900



*Attorneys for Defendants*

---

GWENDOLYN DEMPS,  
Plaintiff,

v.

WALMART SUPERCENTER AND  
WALMART STORES, INC. AND WALMART  
REAL ESTATE BUSINESS TRUST and JOHN  
DOE (1-2),  
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: JURY TRIAL DEMANDED  
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**PRAECIPE TO SUBSTITUTE VERIFICATION**

Kindly substitute the enclosed verification to Defendants' Answer to Plaintiff's Complaint with New Matter which was filed with the court on October 26, 2022.

**MCDONNELL & ASSOCIATES, P.C.**

Dated: November 4, 2022

By: /s/ Gwyneth R. Schrager

Gwyneth R. Schrager, Esquire

*Attorneys for Defendants*

GWENDOLYN DEMPS,  
Plaintiff,

v.

WALMART SUPERCENTER AND  
WALMART STORES, INC. AND WALMART  
REAL ESTATE BUSINESS TRUST and JOHN  
DOE (1-2),  
Defendants.

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

OCTOBER TERM, 2022  
NO. 00353

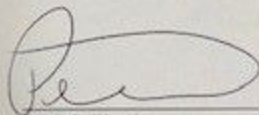
JURY TRIAL DEMANDED

**VERIFICATION**

I, Frank Pellicori, hereby verify and state that I am Store Manager of Walmart Store #2141 in Philadelphia, Pennsylvania, and that the facts set forth in Defendants' Answer to Plaintiff's Complaint with New Matter are true and correct to the best of my knowledge, information and belief. I understand that I make this verification subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Dated: October 27, 2022

By:

  
Frank Pellicori

282.389

**MCDONNELL & ASSOCIATES, P.C.**

By: Patrick J. McDonnell, Esq.

Attorney I.D. No. 62310

Email: pmcdonnell@mcda-law.com

By: Gwyneth R. Schrager, Esq.

Attorney I.D. No. 319219

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500 Marlton Pike West

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(T) 856-429-5300 (F) 856-310-7900

*Attorneys for Defendants*

---

GWENDOLYN DEMPS,  
Plaintiff,

v.

WALMART SUPERCENTER AND  
WALMART STORES, INC. AND WALMART  
REAL ESTATE BUSINESS TRUST and JOHN  
DOE (1-2),  
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: OCTOBER TERM, 2022  
: NO. 00353  
:  
: JURY TRIAL DEMANDED  
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**CERTIFICATE OF SERVICE**

I, Gwyneth R. Schrager, Esquire hereby certify the foregoing Praecipe to Substitute Verification on behalf of the Defendants was filed electronically with the Court and is available for viewing and downloading from the First Judicial District Electronic Filing System. The filed document was served via electronic mail by the First Judicial District Electronic Filing System on the following registered E-Filing Users:

Robert N. Braker, Esq.  
Michael A. Pileggi, Esq.  
Saltz Mongeluzzi & Bendesky, P.C.  
1650 Market Street, 52nd Floor  
Philadelphia, PA 19103  
*Attorneys for Plaintiff*

**MCDONNELL & ASSOCIATES, P.C.**

Dated: November 4, 2022

By: /s/ Gwyneth R. Schrager  
Gwyneth R. Schrager, Esquire  
*Attorneys for Defendants*